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ABSTRACT

Papers are presented from a seminar on collective bargaining in higher education sponsored by the Center for Educational Management Studies of the University of Hawaii. The seminar was designed to address the similarities and differences among various countries and to draw on the experiences of Canada and Europe as they may relate to collective bargaining in U.S. colleges and universities. The Canadian viewpoint is provided by Daniel A. Soberman in "Faculty Unions--What Do University Professors Want?" The protracted and difficult dispute at Laval University in the Fall of 1976 is discussed in the paper. In "Collective Bargaining in the British Isles," Aidan Deegan provides insight to the British and Irish experience. In "Collective Bargaining--The Faculty Perspective," Richard O'Neill provides a perspective of organized labor in the United States. In "Collective Bargaining--Impact on Management, Governance, and Information Systems," George S. Tracz addresses concerns of the institutional researcher and data provider in relating the experiences of collective bargaining to the data implications for the institution. (SW)

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Collective Bargaining in Higher Education

CEMS
Center for Educational Management Studies

4

Daniel A. Soberman
Aidan Duggan
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HE 011 511

University of Hawaii

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COLLECTIVE BARGAINING IN HIGHER EDUCATION

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October, 1978

The Center for Educational Management Studies (CEMS) at the University of Hawaii was founded in 1975 to facilitate the development and implementation of innovative management techniques at institutions of higher education. CEMS is supported in part by a grant from the Exxon Education Foundation. The CEMS monograph series is a periodic publication of research reports and articles of interest to the higher education community.

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CONTENTS

Foreword v

Faculty Unions -- What Do University Professors Want? by Daniel A. Soberman 1

Collective Bargaining in the British Isles by Aidan Duggan 9

Collective Bargaining -- The Faculty Perspective by Richard O'Neill 19

Collective Bargaining -- Impact on Management, Governance, and Information Systems by George S. Tracz 29

FOREWORD

Within the Center's overall mission "to facilitate the development and implementation of innovative management techniques at institutions of higher education," a seminar was held in early August 1977 at the University of Massachusetts to address the topic of "Collective Bargaining in Higher Education." This monograph is based on some of the papers presented at that seminar by a number of eminent scholars and practitioners in the field of academic collective bargaining.

The purpose of the seminar was to address the similarities and differences among the various countries represented and to draw upon the experiences of Canada and Europe as they may relate to collective bargaining in United States' colleges and universities. The Canadian viewpoint was provided by Dean Daniel A. Soberman, Dean of the Faculty of Law at the Queens University of Kingston, Ontario, and Past President of the Social Science Research Council of Canada. Dr. Soberman's experience mediating the protracted and difficult dispute at Laval University in the Fall of 1976 is reflected in his paper on "Faculty Unions -- What Do University Professors Want?" Mr. Aidan Duggan, former Director of Personnel Services at Trinity College, Dublin, who spent the summer of 1977 as a Senior Visiting Fellow at the Center, provides an insight to the British and Irish experience in his paper "Collective Bargaining in the British Isles," while the current United States experiences was surveyed from the perspective of organized labor by Mr. Richard O'Neill, Consultant for Higher Education to the Massachusetts Teachers Association in the paper entitled "Collective Bargaining -- The Faculty Perspective." Professor George Tracz of the Ontario Institute for Studies in Education has contributed to the monograph his paper on "Collective Bargaining -- Impact on Management, Governance, and Information Systems" in order that the institutional researcher and data provider can relate the experiences of collective bargaining to the data implications for the institution.

Each of these papers benefitted from the comments and criticisms contributed by Professor Tim Bornstein, Professor of Law and Industrial Relations at the University of Massachusetts, and a well known arbitrator and mediator who provided the counterbalance to the discussions. In addition to the discussion leaders, the seminar included 35 other participants from the Northeast Region representing faculty, college and university administrators, union representatives and student leaders, who contributed their views and experiences to the author's efforts. Special thanks to Mr. Paul Cronin, University of Massachusetts and Mr. Aidan Duggan for their fine efforts in organizing the Collective Bargaining Seminar.

The papers embodied in this monograph clearly do not purport to cover the field of Collective Bargaining. Rather, they are intended to highlight certain core issues which generated stimulating and informative discussion at the seminar. Hopefully they will fulfill the same objective in their printed form.

Warren W. Gulko
Director, CEMS

FACULTY UNIONS -- WHAT DO UNIVERSITY PROFESSORS WANT?

by Daniel A. Soberman

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In speaking about the concerns of University professors I would not presume to have any information or even views that would necessarily apply to the United States. While there are great similarities between Canadian and U.S. institutions, there are also substatntial, often subtle, differences and it would be dangerous to generalize about developments in both countries. In a very sketchy way, there are broad similarities: aside from occasional conflicts of personality, universities were generally rather somnolent places before the end of the Second World War. The universities responded admirably to the flurry of activities caused by the post-war bulge of returning veterans and young people until the early 50's, followed once more by almost a decade of relative quiet. In Canada, universities were run mainly by the academic staff. Most senior positions -- presidencies, deanships, etc. -- were filled by senior academics with more or less "life tenure." Administration frequently was rather simple and, certainly at the Dean's level, often involved only a slight reduction in teaching load. Aside from occasional outbursts the question of who ran the university was not very important, perhaps because the universities themselves did not appear to be very important.

By 1960, however, it became evident that the university's role was about to change. The combined effect of post-war immigration and the baby-boom was seen to create very large projected increases in enrollments. At the time, the progressive idea of society held full sway: we were supposed to be on the way to ever greater productivity and consumption, ever greater population and ever greater need for highly qualified manpower. Virtually no one questioned these assumptions. The problems of organizing universities to cope with rapid expansion seemed beyond the capabilities of the rather amateur administrations of the time. Professors became absorbed in these problems of growth in their institutions almost without protest: it seemed to everyone that growth was the panacea. Although they embraced growth, academics became concerned about decision-making processes and wanted to formalize their involvement in government.[1] In the early and mid-sixties they managed to do so in many universities. At this stage, academic staff believed they were the dominant group. I am sure you are all familiar with the next factor in the university world -- the arrival of student activism.

Without attempting to examine the complex reasons for the developments of the late 60's, we can observe that by then universities had become battlegrounds for power among faculty members, students and the "outside world." The "outside world" remains something of a mystery. To some it is perceived as the public interest, represented by nominees to the university governing body placed there by public paymasters or even as the long shadow of governments themselves. To others it is perceived as the representatives of alumni and donors. Somewhere in that shadowy world between the faculty and the outside governing body, lay the administrators. Most administrators were academics. In some institutions riven by bitter strife, they were viewed -- and still are -- as failed academics who have abandoned scholarly work to make their fortunes elsewhere.

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[1] Duff-Berdahl, Commission on University Government in Canada. Toronto: University of Tornto Press, 1966.

However this tripartite arrangement may be analyzed, it seems that in many Canadian universities the full-time teaching faculty in the early 1970's gradually came to believe that they had lost a dominant position in planning the future of the university, that the other two groups -- students who remain an ever-changing enigma, and "outsiders," both administrators and other outside interferers, had rested control of the university from them.

From about 1967 to 1971 or 1972, because the university system was expanding and the universities were treated rather generously by governments (who themselves seemed to have accepted the great god of higher education as the answer to all problems) most professors remained quiescent. This situation was quickly overtaken by that current ogre "financial constraint" or -- at its worst -- "financial crisis." Again I shall not dwell on the factors that have led to the current financial difficulties. They are well known to you.

The psychological effects of the rather sudden end to expansion have been very damaging, perhaps more so than the actual harm done, at least to the present time. While the "money pie" was expanding rapidly and an individual's share of that pie was growing he didn't much care about what was happening to the rest of the pie. When the money pie ceased to grow and in some instance even shrivelled, there was an immediate reaction: each professor became very concerned about what was happening both to his share of the pie and to the remainder.

The first concern was over job security and advancement in the system. Ironically, university professors had decried concern over such material things. Their principal interest had been the concepts of academic freedom and tenure. Whether academic freedom in the form of tenure, and job security in the more general sense can ever be separated is debatable, but in the present context they have become inextricably intermixed. In any event, fear of losing one's job is a very potent force. The second major concern was at the grass-roots level of individual departments. In all universities, at least in a few departments and sometimes more generally, there was anxiety about the failure to develop internal processes that insured fair treatment of members of the department. To many professors the scheme of rewards and penalties, of responsibilities and recognition, appeared arbitrary. The third concern was over the question of who makes decisions about the future of the university, including the allocation of resources to favoured disciplines and programs. In other words, who does the basic academic planning and establishes priorities for the university's future? These three issues then, job security, fairness of treatment of individuals with respect to working conditions, and the participation in the academic government of the univerasity, became serious issues for many professors.

In Canada, by and large, in those universities where job security has not become a major spectre, where in most departments, internal processes with respect to working conditions have remained satisfactory and where professors feel they have their hands on a substantial number of the levers of power, there has not yet been a strong demand for alternatives to the established processes.

On the other hand, many universities, especially younger ones that did not have the benefit of a long and slow history as a solid base for the explosion of the 1960's, have witnessed major clashes between faculty members and the other parties in university government. When they have felt helpless and frustrated enough, faculty have turned to collective action through certification under

provincial labour codes. Through unity they have sought strength in bargaining for improved conditions, or at the very least preventing their conditions from deteriorating.

In theory, at least, the argument for collective action on the first two points -- job security and working conditions -- seems to be valid. I shall return to the practical aspects shortly. Both faculty unions and university administrations, however, have had great difficulty in reconciling results of collective bargaining with participation in university government at a legislative policy-making level. In Canada, the majority of universities have bi-cameral government, with a Senate and Board of Trustees or Governors, but several have a unicameral government.

It would appear that the unicameral system increases the frustration of professors because of competing demands for representation on the single body. A substantial number of voting seats is given over to members of the administration, students and nominees from outside the university. As a result, elected faculty members are usually a numerical minority. In addition, because the academic seats are few in number, small academic units in the university frequently go entirely unrepresented for long periods. Professors generally view a unicameral council as dominated by people with views inimical to the central academic interests of the university.

By contrast, in bicameral universities outsiders sit only on the Board of Governors. The Senate consits of elected members of faculty, students and administrators. This arrangement is cosier: there are no outsiders, and the elected faculty have equality of representation or even a small majority. In these circumstances the faculty constituency is better represented and has a much more influential role.

It seems clear that a unicameral system creates greater incentive for unionization than does a bicameral system. Once unionization takes place in a bicameral system, however, there seems little room for policy-making in an academic Senate. Academic policy is, after all, much concerned with priorities; priorities concern the allocation of resources; the allocation of resources have substantial implications for staffing, salaries and promotions. Depending on the degree to which a collective agreement narrows a university's room for maneuver its Senate will be more or less impotent. Other problems arise: how easy is it for individual elected members of a senate to take positions contrary to the position taken by his or her faculty union? After unionization, it may be that a unicameral council appears to be more realistic in that it reflects what are perceived as the adverse interests of administrators, students and outsiders. In this model, of course, the idea of the university as a "community of scholars" must be viewed as a myth that we ought to discard.

The idea of a community of scholars has always hovered somewhere between myth and fact. I do not belive that it is entirely a myth. A central element to the idea of a community is collegial responsibility, shared responsibility among students, administrators and faculty members. But collegiality cuts two ways against the union/management model. In a university, administrators must, unlike management, be governed by collegial decisions of a majority of their academic colleagues in many matters. In the same way, professors must, unlike members of industrial unions, participate in critical evaluations of their fellow workers and in making hard decisions

about their future. For these reasons, I find it difficult to support the unionization of faculty on an industrial model within a system of collegial decision-making. It is possible that some of these problems could be solved either by special legislation or by amendments to labour codes that would recognize these seemingly contradictory mixes of union and management responsibilities.

There are other problems: All professors would acknowledge that the question of job security is not so simple as in an industrial union, for it is not necessarily in the interest of members of a faculty union to give every member maximum job security. A good university, whose staff has a substantial measure of self-esteem, does not wish to give up the power of ridding itself of appointees who do not measure up to the institution's standards of quality in teaching and scholarly work. Faculty members share this concern with the administration. On the other hand, faculty members are certainly conscious of the use of what they would consider to be arbitrary power in hiring and firing.

There seems little doubt that an intransigent and insensitive administration will bring unionization upon a university when it fails to recognize the legitimate concerns of faculty members in this area. Unhappily, there are administrators who exhibit these characteristics, insisting on the exercise of absolute discretion. As an administrative head who has had to participate in collegial decision-making for a decade, I find the thought of holding arbitrary power terrifying. It has always been a relief to share power with my colleagues on such elected committees as that for new appointments, and with both students and colleagues in making recommendations with respect to tenure. If university administrators are viewed as academic colleagues who, for the time being, have undertaken the onerous chores that need to be done, then sharing these responsibilities seems self-evident. To the best of my knowledge, sharing responsibility is what faculty unions generally have asked for. Faculty members ought to have it without asking. The method of sharing responsibility and power should be able to be worked out to the satisfaction of a majority in any healthy university senate.

The question of working conditions, including such matters as merit pay, promotion, teaching and research responsibilities, participation in administrative work both of an academic unit and the wider university, freedom to undertake outside paid work, and methods of assessment, presents difficult, multi-facetted and sometimes almost insoluble problems. Does faculty unionization assist in solving them? In most areas I believe unionization is irrelevant in the Canadian context. A number of these problems must be settled within academic units. For instance, with respect to restrictions on outside income in professional faculties, uniform regulations for the entire university will not work. Other contention issues may relate to accreditation of a professional faculty.

Some questions are campus-wide and should be decided centrally through the university senate. A chronic problem of recent years is, what portion of a salary budget increase should be allocated to scale increases in order to offset the effects of inflation and what portion should be left for career development and merit. Scale increases are automatic; those for career development and merit are at least to some extent discretionary. A significant portion of faculty believe that to eliminate discretion

entirely (as some faculty unions advocate) would turn a university into a secondary school. It would fail to recognize and reward outstanding contributions. Excellence would be ignored. To others, all grants of discretion are viewed as arbitrary power subject to constant abuse. Therefore discretion ought to be eliminated. I do not believe that we ought to accept either extreme. Most faculty unions have not insisted on the entire elimination of discretion in merit pay. It may be that in this area faculty unions make their strongest case for bargaining on behalf of their members. Even so, in those universities where goodwill is still strong, informal negotiations should be sufficient to define the discretionary portion of salaries on an annual basis.

An issue to which I have not yet adverted, and one that is sometimes proposed as a point for unionization, is the level of faculty salaries (as opposed to the discretionary allocation of increases). To the best of my knowledge, there is no evidence in Canada that unionization increases the level of salaries, although it certainly can affect distribution of the salary pie. In negotiating for salary levels, a faculty union is dealing with an administration whose interest is not to save money as such, but to make the best possible use of its revenue. In Canada, at least, administrations and unions need to make common cause against governments who are the chief paymasters. Once the budget has been decided by government, the only question permitted is how it can be allocated within the university. Income cannot be increased by increasing prices for its product as in the business world, nor is there any incentive for an administration to try to save money in order to provide dividends to shareholders. In this sense, faculty unions are bargaining with the wrong people: they should be bargaining directly with the government. I am not persuaded that it is either fair or wise to equate university administration with the government paymaster. There is no reason to believe that a faculty union bargaining directly with government would have any more clout than would faculty and administration together, bargaining with the same government.

On the question of ultimate clout -- the strike weapon -- the analogy with our public school system, both primary and secondary, breaks down. It might have been somewhat different in the 1960's, but in the current anti-intellectual and anti-university atmosphere, one that is all-pervasive in North America, there is little public sympathy for the universities, and governments know it. I suspect that some governments in Canada would be delighted to have a university faculty union strike for more money when the average salary is in excess of $25,000. Such a strike would help them win their next election. The public school system, even when the teachers are out of favour with the community, do perform what is perceived as an essential babysitting service. How could all those families with two working parents (or even with one) cope, when they suddenly find a house full of six-to-sixteen-year-olds, with nothing to do? Universities have no such hold over the general public.

In realistic terms the issue of salary levels is a question of trade-offs. Whether these trade-offs should be bargained for between a faculty union and an administration, who for the time being are supposed to represent the overall welfare of the university, is debatable. Does a bargaining stance mean that the task

of a faculty union is to put direct benefits to faculty members first, above the welfare of the university as an institution? Is it not proper for a faculty member to consider whether he should have $100 more worth of library services, technicians, services or secretarial services than a $100 taxable benefit in terms of salary? How important is it to a faculty member to have adequate cleaning service in a building so that the corridors are not littered, how important to be restricted to one academic conference a year instead of two? It remains unclear what the best forum for making these decisions should be.

Of course, there is a risk that some faculty members will feel co-opted by what used to be known as a motherhood argument, about maintaining the quality of the university, and will thus feel unable to object to a restriction on salaries or other direct benefits in favour of other trade-offs. But there also remains the danger that a faculty union, with no responsibility for the welfare of the university, will be willing for political reasons to give too high a priority to salary increases at the sacrifice of other important aspects of the university. It may be that many university administrations are neither sufficiently competent nor sensitive to cope with these problems in a non-adversary form and that ultimate unionization is the only answer.

In Canada, the discussion of what professors really want and whether the industrial model of the union is the most appropriate instrument to achieve their goals, is still in a relatively early stage. Unionization has moved rather quickly in response to a series of crises, often without the kind of discussion and analysis of policies and goals that is desirable. I suspect that these developments are in keeping with the normal course of events. I believe it is important, however, that the proper philosophic and political underpinning for the movement toward unionization should be developed. It is a rare occurrence in any society when an instrument developed for one purpose proves adaptable without any significant change for another purpose.

At this stage, I remain unconvinced that unionization at least in its traditional form, is inevitable or even desirable for a large number of universities.

COLLECTIVE BARGAINING IN THE BRITISH ISLES

by Aidan Duggan

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Collective bargaining has been described as a ritual dance, where labor and management move in time honored circles, meeting and withdrawing at set intervals, before finally arriving at a final position, known to both parties before the dance began.

In this sense, there is little to tell an American audience of our British and Irish experience, except to say that our dances have been going on longer, and that we may be more proficient in our movements.

For higher education in particular, I do however believe that there is something to be learned from our experience--not least because I have sensed in talking to many senior administrators a fear of unionized faculty, and a slight sense of something unAmerican in the formal contract negotiations which have characterized our experience for so many years.

I have chosen therefore to present this paper as a prophet of doom--or at least the Apocalypse as perceived by some U.S. administrators--that is to say, I stand before you to tell you that in ten to fifteen years all faculty will be unionized, and regular contract negotiations will be a way of life for you. I must also point out that I stand before you as the survivor of eleven years hard negotiation of the type I describe, with both arms and legs intact, all my hair and most of my teeth, but definitely in need of the sabbatical leave I currently enjoy at the University of Massachusetts.

I take as a starting point, a statement made by Duryea and Fisk in their 1973 book Collective Bargaining and Faculty Unions, "As a stable if not affluent society shapes up, the thrust to unionism, may lose much of its force." This identification of economic forces as the prime factor in creating a collective bargaining climate, is undoubtedly correct--you must make your own judgments on the stability and/or affluence you currently enjoy. They then went on to say, from their 1973 standpoint, that while collective bargaining will continue to spread, its growth would be much slower than many people anticipate. It is not my purpose, in choosing these quotations, to denigrate the excellent work in that volume, but rather to identify an attitude which I still find prevalent, namely that collective bargaining is an option, and for many people an undesirable one, which if ignored may very well go away. I do not subscribe to that view.

Collective bargaining is essentially a fight, a dispute between two opposing points of view, but if you take the attitude that the right of faculty to organize and negotiate is also a fight, then you have already lost it. In this I speak from bitter experience, as the early days of faculty unions in Ireland inevitably brought to the bargaining table on the management side, some people whose negotiating tactic was to point out to unions the favor being afforded them by offering negotiating rights. You may be familiar with the Duke of Wellington's comments on his Irish troops on the eve of the Battle of Waterloo, "I don't know what they seem to the enemy, but by God they frighten me." One final point to conclude these introductory remarks and to support my view that higher education must be looked at as just another service industry, like health or sanitation in which the industrial form of bargaining must be expected. The Cambridge

economist John Vaizey has estimated, in a recent publication, that the total number of people employed in the teaching profession in England, at all three levels, now exceeds all those employed as farm workers, miners, and steel employees put together.

Let us then look forward, perhaps ten years to a time when I expect collective bargaining to be a way of life in the United States. What factors will influence the growth of faculty unions?

1. The first, and most important, is the general tightening of the money supply for all tax-funded activities. Federal and state governments are necessarily taking a more rigorous view of higher education, not alone because overall money supply is scarce, but because the relative proportion which must be devoted to highly labor-intensive services such as education is increasing. This has led to suggestions for cutting costs which inevitably affect faculty, including such measures as increasing use of temporary or part-time staff, more rigorous criteria for tenure, etc.
2. Reducing job opportunities for faculty. An inevitable corollary to the overall stringent situation has been a reduction in alternative opportunities for faculty--particularly upsetting for a traditionally highly mobile population. This leads them to concentrate more on improving their existing position, which brings an inevitable conflict with increasingly cost-conscious institutions.
3. Increased state influence in day-to-day operations. It has been shown in Europe that as the State begins to study more closely the way in which higher education spends the taxpayers' money, the quicker they seek involvement in the day-to-day decisions of operational activity. Faculty who have hitherto accepted, if often with reluctance, management decisions which they see as adversely affecting their career conditions, are less inclined to acquiesce when they perceive those decisions as imposed from without, and more likely to organize in resisting them.

These, admittedly very broad issues, are typical of the factors which have brought academic staff in Britain and Ireland to a situation of virtually full unionization. I would like at this point to study some of these factors in greater detail, and from a slightly differing viewpoint.

While I have already alluded to the growing influence of outside factors, in particular state and federal influence, it is true that university governments are still autonomous in many respects, so that, for example, they can meet the challenge of fiscal stringency in a number of ways, the final decision being their own.

In short, the pressures which influence the faculty environment are <u>internal</u> (university government, students, other staff) and <u>external</u> (state, taxpayers, student families).

Internal Governance

(a) Administrators

Perhaps the greatest single change in university governance in the British Isles over the past twenty years has been the increasing power of professional administrators. If I may take my own university, Trinity College Dublin, as a case in point--in 1962, the only full-time administrators at a senior level were the Provost, who was himself for many years an academic, a Treasurer, a Director of Physical Facilities, and an Accountant. All other senior posts were filled by senior faculty, holding what are referred to as "annual offices" of Bursar, Registrar, Dean of Graduate Studies, etc. By 1977, those annual officers have been joined by some twenty senior administrators, in such areas as Data Processing, Personnel Services, additional Budget and Finance staff, etc.

This phenomenon is not an unusual one, and I am sure has parallels in all of your universities, but it undoubtedly leads to a problem of identification on the part of faculty, who increasingly believe that university governance is dominated by these professional administrators, and resent it.

If I might summarize on a lighter note, my impression, as an administrator myself, is that faculty feel that:

1. There are far too many administrators.
2. They are all paid far too much.
3. Despite theirnumbers you can never reach one when you need him.
4. This is because they are hiding in their superior offices, using telephones not available to faculty, or driving in or out of their preferential parking places, to or from gourmet lunches at the university's expense.

We could perhaps digress at this stage, to consider the administration's view of faculty, but perhaps we should move on.

(b) Composition of Governing Board

Another fruitful field of discontent is the composition of the university's governing authority. Again faculty have come to resent in recent years (1) an apparent bias against junior an/or non-tenured staff and (2) the influence of non-university members, particularly on the boards of state institutions.

This has lead in recent years to a gradual shift in collective bargaining away from the more traditional areas of salaries, fringe conditions, etc. (although these will always be a major component of any negotiations) to an increasing demand for representation of faculty unions at the decision-making bodies of the university.

This has been resisted, but one must recognize a certain Gilbertian twist in the picture of governing body composed, as ours is, almost totally of academic staff, most of whom are union members, solemnly denying the faculty union a voice in policy-making.

(c) Promotions and Tenure

For many years such emotive issues as the granting of tenure and the advancement of faculty were non-controversial, depending in large measure on the personal decision of university presidents, and in general not distinguished by very rapid promotic ., or publicised dismissals.

The rapid expansion of the British and Irish university system over the past 15 years, has seen an equivalent growth in junior academic staff, while increased financial pressures have led administrations to develop more rigid criteria for tenure and advancement. The application of these criteria, allied to a reduction in alternative employment, has led faculty to organize in their attempts to influence the operation of the review systems, and to protect those who fail to surmount them.

Students

The second major influence on faculty has been the growing political awareness of students, and their increasing influence in the government of their universities. It may not be too hard a judgment to say that academics have had to be more aware in recent years of the quality of their teaching--the voice of the consumer, in other words, is beginning to be heard. These challenges to what must have been in earlier years a cosy existence, have played their part also in making faculty more aware of their corporate existence, leading inevitably to organization and unionization.

Other Staff

The third major factor has been the growing awareness on the part of the faculty of the advantages in conditions gained by support staff--service staff, secretarial, technicians, etc., most of whom have been organized in unions or associations for many years. This awareness has grown as faculty begin to discuss themselves such issues as hours of work, physical facilities, superannuation, many others which, perhaps erroneously, they had not regarded as critical in earlier years.

External

Side by side with these internal pressures have been the outside constraints which have grown up as a more critical look is given to the activities of higher education by governments and taxpayers.

I hope the Irish experience is not too atypical when I say that, in my own student days, universities occupied an elite position in which they neither expected nor welcome criticism from outside their walls. On a lighter note, though perhaps still relevant, students themselves absorbed many of these attitudes, and expected more favorable treatment from local police

for what we regarded as more pranks, which in retrospect was totally unjustified.

All, as W.B. Yeats has said, is changed utterly, and we have now reached a stage where every expenditure must pass scrutiny by the State Controller's office, and faculty have reacted by presenting a united front when cutbacks are threatened. It must also be said that this strong opposition has not upset the university administration unduly, since it strengthens their hand in resisting the more undesirable economies.

This increased politicization of the state/university relationship has been matched by a growing interest on the part of citizens in the way in which universities spend their tax money. Media play their part also, and the past five years in my country have seen, for example, an enormous increase in the columns of newsprint devoted to higher education activities.

One final factor--the increased access to higher education of the last few years has necessarily involved more parents and relations of undergraduate students, providing one more lever to knock down the wall of exclusivity which for so long surrounded higher education institutions.

I would now like to deal with the three main areas of industrial relations, negotiation, consultation, and grievance procedures, and hopefully point out some features from our European experience which may be of interest. The specific issues referred to arise from the recent agreement concluded with the Irish Federation of University Teachers.

Negotiation

Universities in Ireland have agreed that the following issues are proper for negotiation. They contain no large surprises, but are perhaps worth detailing:

(a) matters relating to procedures for staff recruitment and appointment;
(b) matters relating to remuneration, special payments, pensions and retirement;
(c) matters relating to probation, promotion, discipline, tenure, dismissal or termination of employment;
(d) matters relating to the granting of annual, sick, maternity, special or sabbatical leave;
(e) matters relating to general conditions of employment, including the working facilities necessary to the member for the proper discharge of his or her duties;
(f) such other matters as may from time to time be considered by either party to be the subject of negotiation.

Only (a) of the above was controversial at the discussion stage, since the unions initial demand was for negotiating rights on matters relating to recruitment and appointment, which management felt, was a reserved function.

We did accept however that faculty had a legitimate interest in the procedures to be followed, and the above compromise was

finally accepted. One final point on negotiation procedures: my reading of American literature on the subject suggests that it is quite usual to have outside experts assist the university government at the negotiating table. My own experience would lead me to doubt the efficacy of this procedure. So much depends throughout the negotiation procedure, which can be protracted, on the necessity to avoid "striking attitudes" or definite postures, and the necessary informality to achieve this can be difficult with outsiders present.

I would define early negotiation as a stage when the university attempts to decide how many of faculty's non-negotiable demands are in fact negotiable, while faculty strive to see how much higher than their declared ceiling the administration is prepared to go to reach a settlement.

Such a procedure while sometimes enormously time-wasting is for me at any rate a fascinating exercise, but one is always aware of the possibility of one side or another overemphasizing their demands, with consequent embarassment at the late stages of discussion.

This problem is, of course, greater on the faculty side, since their negotiating teams are often chosen on too democratic a principle, and not necessarily at one in their objectives. For management however, I stand by my contention that their team should be small, include professional representatives from its personnel and labor relations offices, and not necessarily include any outside advisors.

Grievance

All the issues proper for negotiation can give rise to grievances. The essentials of a good grievance procedure is to avoid hardening of attitudes, and a good rule of thumb is to keep the level of discussion as low as possible in hierarchical terms.

It is my impression that neither faculty nor management wish grievances to escalate, and professional labor negotiators on both sides much prefer not to be called in, since their involvement often has the effect of turning small local irritations into major confrontations, following the publicity which attends any formal discussion between the two sides.

Consultation

In reaching agreement with faculty unions, the hardest area to solve was the least precise, namely the extent to which faculty unions have a right to be consulted prior to the university's decision-making process.

Both sides and clearly defined attitudes, and both attitudes were correct, i.e. the union felt that no university decision which might affect their members should be taken without prior consultation, while the university pointed out that virtually every decision could be shown to have some effect on at least one member of a faculty union, and total consultation would bring an

already cumbersome decision-making process to a complete halt.

The university had also to point out that a great deal of financial discussion, particularly at annual budget time, must be confidential, and faculty involvement might result in even less advance consultation with the state, with obvious detrimental effects for faculty themselves.

The final document shows that the basic spirit of agreement on the desirability of full consultative procedures was placed in a preamble, which stated, inter alia, "The purpose of this agreement . . . to ensure a full exchange of all information necessary for effective consultation on matters affecting the interests of the members of the union."

> Matters subject to consultation shall include proposals on future development, academic government, staff amenities, social facilities, the formulation and/or execution of general academic policy, and such other matters as may be deemed appropriate by either party.

The precise procedure to be followed may also be of interest--the reference in the first clause reflected the determination of both union and university that a single point of communication be identified from the outset, and I would urge a similar practice on others.

> 2. CONSULTATION PROCEDURE
> 2.1 The procedure for consultation shall be initiated by either party by written communication directed to the persons designated in accordance with Clause 1.2 above.
> 2.2 The College shall notify the Union of any intention to make significant changes affecting the conditions of employment and general policy governing College activities. Reasonable time shall be given to the Union to study and consult with its members on the effects of the proposed changes.
> 2.3 The Union shall, allowing reasonable time for consideration, notify the College of any changes in the conditions of service which it intends to negotiate on behalf of its members.
> 2.4 Both parties hereby signify their willingness to meet and consult expeditiously on any matter which may arise within the context of the Agreement.

Conclusion

On looking back at the history of collective bargaining in Ireland, I can identify three distinct stages:

1. The early days--when faculty did not see themselves as different from the university as a whole, and such organization as did exist were primarily for representation (to elect a certain number of members to the

governing board) and information purposes. Staff who suggested that such associations might also adopt a bargaining role were very much in the minority, and it may not be unfair to say that academics found the idea of unions repugnant, and unnecessary.

2. The recent years--when the concept of white collar unions gradually came to be accepted. University staff could not fail to notice the advances gained by school-teachers, police, the medical and legal professions, and many more of what are regarded as the "professional" classes, all of whom have in recent years advanced their positions considerably through hard, professional bargaining.

3. The present--faculty unions are now the rule--not the exception. Their right to negotiate on such issues as pay and conditions is accepted without question, and the argument has moved to a higher plane--whether organized faculty have a right, as a professional trade union, to be represented at the highest decision making levels of the university.

These developments have brought undoubted advantages for staff--protection for the less outstanding, a curb on the previously excessive power wielded by some university presidents and other senior administrators, and a greater sense of identity with the general working classes than university professors had previously shown.

There also have, of course, been disadvantages--universities have always confounded management theorists in their ability to function efficiently, and much of this efficiency was due to the unofficial network of consultation which is so much a part of, for example, a residential collegiate university such as my own. This informal consultation no longer exists, and its disappearance can be directly related to the breaking of the identity link between staff and university which inevitably followed the growth of faculty unions.

Some critics have gone so far as holding unions responsible for an overall lowering of academic standards--due, in part, to the retention of staff who in less organized days might have quietly left to take up alternative careers. It may be true that the truly outstanding people appear thinner on the ground than they were, but in my view this is due to the load of routine administration carried by almost all faculty, and even to a general bureaucratic sameness of life which affects every university today.

Whatever their faults, faculty unions are here to stay--I urge you all to adapt to that situation.

COLLECTIVE BARGAINING -- THE FACULTY PERSPECTIVE

by Richard O'Neill

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During the past several years collective bargaining has gradually emerged on the college and university campus across the country. As each year goes by, increasing numbers of faculty have turned to the collective bargaining process. The NEA Advocate in its March 1977 issue reported that "... about 15,000 higher education faculty and professional staff at 53 institutions around the country chose to be represented by faculty unions for the first time during 1976 - the largest number in a single year since 1971, and the third largest ever..."

In attempting to analyze this movement to collective bargaining, at least bargaining as perceived by faculty, it becomes necessary to first examine what is meant by the term itself.

Collective bargaining is sometimes perceived and thus defined as a series of meetings between the employee and the employer to negotiate in good faith on wages, hours and conditions of employment. Unfortunately, for those of us who spend a life time at the bargaining table, collective bargaining is a far more complex creature, seemingly beyond definition. It is a highly complex mechanism in need of highly skilled mechanics to resolve differences and reach understandings that otherwise might not be attained through reasoned dialogue.

Collective bargaining is, in short, a deeply involved relationship between an employer and his employees. It encompasses all facets of this relationship and causes to be effected at some point a binding contract setting forth the terms and conditions agreed to during this relationship.

It is this latter relationship that faculty seek through the collective bargaining process. Its attainment brings parity and creditibility for the organized faculty and thus makes legitimate the bargaining process.

As collective bargaining in higher education continues to grow so too grows the mounds of literature trying to find out why. It seems that every reason imaginable is being given to determine faculty acceptance of unionization and collective bargaining, there are those studies which tend to relate faculty attitudes toward collective bargaining with the relative position of the faculty member within the academic community. Criteria such as salary level, academic rank and tenure appear to be those common denominators used to explain away faculty preference suggesting, therefore, that support for collective bargaining comes from, as Saul Alinisky would say, "the have a little want more."

Although the research is incomplete, I would agree that this group in my experience tends to support the union concept. I do not, however, believe that it is from within this group that the union establishes its largest base of support amongst faculty.

In my personal experience the most prevalent reason for faculty unionization has been the establishment of institutional goals, how they are established, and by whom they are established. If one recognizes that goals of whatever nature are generally constructed through competition by the most dominant group, then one must also recognize the close parallel to the collective bargaining process.

Collective bargaining in higher education addresses itself to the construction of institutional goals through such mechanisms as bargaining faculty governance systems which provide for greater input. Thus, faculty in the negotiation and ratification of

contracts which are collectively bargained have individual authority to participate in determining their own destiny, especially when the goals of the institution differ from the perception of such by the individual.

"Unions on campus have not denied that there are legitimate institutional goals. They have not denied that there is a community of interest shared by the institution and the faculty. But they have emphasized that the goals of a system and of the faculty may differ widely and that conflict will inevitably arise as the generalized goals of the institution are translated into decisions on operation and policy. Hence, the role of the union is to make sure that actions taken reflect the interests of the faculty."[1]

This position is certainly in evidence through the multitude of negotiation surveys conducted by a union prior to the commencement of bargaining. It is clear that faculty bargaining now goes far beyond the arena of economic issues. It is also becoming increasingly evident that faculty bargaining is developing a sophistication that took decades to develop for the "blue collar" worker.

Despite the frustrations of bargaining itself, the endless hours, the uncertainty of victory, the need to succeed, collective bargaining has become a firm reality on the campus. Why? Along with what I believe to be the central issue of decision making and goal setting, the harsh realities of increasing class size and teaching loads, the loss of buying power through the spiral of inflation, the deterioration of academic freedom and the erosion of public confidence in the ability of our institutions to fulfill their missions have caused faculty to look toward the union and collective bargaining for resolution of these issues.

Faculty across the country are doing battle on issues that just a few short years ago would have been treated with disdain. In Faculty Unions and Collective Bargaining,(E.D. Durgen, Robert S. Fisk and Associates, San Francisco, 1973) it is noted that faculty everywhere are fighting to retain such common perquisites as stamps, secretarial staff support, library and research funds and travel expenses for professional meetings.

I have recently experienced a contract being held up because of an inability of the parties to resolve their differences over parking space for faculty. Not bad for five years of negotiations.

Simply stated, faculty perceive everything to be fair game for negotiations, especially where faculty feel the administration of their institution to have received preferential treatment and/or where faculty perceive the administration to have not supported its faculty on any number of issues or positions.

At this point let me note that certainly not all faculty support the concept of collective bargaining. My experience has been that faculty who do not support unionization are usually fearful that to do so would destroy the academic community generally.

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[1]Charles M. Rehmus, "Alternatives to Bargaining and Tradition Governance," in Terrence Tice, ed., Faculty Power, Collective Bargaining on Campus (Ann Arbor, Mich: Institute of Continuing Legal Education, 1972), p. 92.

and specifically the faculty and student voice. Dr. Lionel S. Lewis in his book, Scaling the Ivory Tower cautions us within the union that, "... If unionization of faculty means, on the one hand, curtailing the powers of academic - administrators and governing boards through explicit and rational principles of management, it might also mean, on the other, the ultimate abolition of faculty self-government. If the worst comes to pass, administrators will press for and gain managerial prerogatives heretofore not granted, and unions will assume some of the traditional functions of the faculty.

If it remains the responsibility of faculty to set standards utilized in making decisions regarding admission and curricula, they may only lose what has been thought to be their traditionally vital role in helping to administer these matters. But if in the age of the multiversity this function has, in any case, been eroding, perhaps they will not in fact have lost much.[2] From this statement and certainly the wealth of research behind it the most common opposition to faculty unionization and collective bargaining appears to be centered around the issue of potential loss of faculty self-government. Yet, as Dr. Lewis points out, since this role has been eroding, have faculty lost what they did not have to begin with? Is it not, therefore, logical to assume that as the union organizes the faculty voice the power of the faculty will return although quite possibly in a different forum other than that contained within the traditional Faculty Senate?

Despite the storm cloud warnings such as presented by Dr. Lewis, this faculty are involving themselves in all facets of the institution through the collective bargaining process. For instance, the Preamble to contracts recently negotiated between the faculty and Trustees of the Massachusetts State College System state in fact, "... the participation of faculty, together with students and administrators in the governance of State College is essential to its growth and development as a multi-purpose college with the system of State Colleges under the jurisdiction of the board of Trustees of State Colleges.

The basic functions of instruction, research and service at _____ State College are performed by a community of men and women who are members of a profession dedicated to the advancement of learning, instruction, scholarship and service and it is, therefore, fitting that they share in the formulation of plans and policies which affect their professional activities under the jurisdiction of the Board of Trustees of State Colleges.

Accordingly, this agreement between the Board of Trustees of State Colleges and _____ seeks to establish a firm basis for expanded faculty participation in campus governance and to describe more precisely the scope of that perticipation."

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[2] Lionel S. Lewis, Scaling the Ivory Tower, The John Hopkins University Press, Baltimore, 1975, p. 179.

We should also not limit ourselves to reading contracts to assist us in determining the faculty perspective toward collective bargaining. Faculty unions as they acquire more experience and sophistication are beginning to challenge the outside forces which threaten the academic community. We are seeing faculty across the country actively engaged in lobbying state legislatures, for example.

Wells H. Kiddie, in a paper entitled Unionizing the Academic Professionals, suggests that unionization of faculty will (1)increase the strength of individuals by bringing them together to speak with one voice when facing college and university administrations; (2) provide a way in which academic professionals can creatively develop programs for coping with the problems facing higher education and put them into effect and; (3) mobilize the political strength of large, organized constituencies when governmental tax structures and budgets need major revamping.

Mr. Kiddie proposes a great deal. He puts forth the idea that faculty interests must transcend beyond the property boundaries of the institution itself and into the halls where decisions are being made whether on or off campus. A case in point is as follows.

In November of 1975 Senate President Kevin Harrington announced plans to re-organize the Public Higher Education System in Massachusetts. Faculty representatives from all institutions assembled to review the draft proposal of the Senate President. As a result of these meetings it was agreed that (1) sufficient protection of faculty rights were not included in this proposal and (2) any proposal to re-organize public higher education should have substantial input from the faculty. It was unanimously agreed to oppose the proposed re-organization and to organize faculty for this purpose.

The proposed legislation, which had as its basic premise a consolidation of the State Colleges with the University of Massachusetts was withdrawn when it became apparent that faculty had unified and gained union and legislative support to defeat this back-door attempt to re-organize higher education in the wanning moments of the legislative session.

In January the Senate President agreed, after several meetings with faculty and/or union representatives, to establish a faculty advisory committee to assist in the drafting of proposed legislation to re-organize Public Higher Education.

This faculty committee which came to be known as "The Faculty Committee on the Reorganization of Public Higher Education" took its charge and task with great seriousness. Faculty opinions, fears, desires, dreams and wishes were surveyed on each campus. For four months work sessions were held on as many as four days a week. Positions were argued, negotiated, compromised and finally agreed to. The draft was finished.

On March 23, 1976, the Faculty Committee submitted to the Senate President "A Proposal to Reorganize Public Higher Education in the Commonwealth of Massachusetts." As evidence of the major changes proposed to the Committee the report contained a paragraph which stated, "The recommendations contained in this final report reflect the consensus of the Committee. The report does not represent a unanimous point of view and none of the Committee members presume to speak for more than themselves. Specifically, they do not claim to speak for a particular faculty or constituency."

The major thrust of the faculty plan proposed to create a system-wide faculty group that would be given a strong role in the management of higher education, and, secondly, proposed to decentralize the administrative system by establishing local automous trustee boards.

This report of the Committee was consistent with the surveyed opinion of the faculty which was compartmentalized as follows:

(1) Opposition to the overconcentration of power in one University Chief Executive, with no provision for any measure of local campus autonomy.
(2) Provision should be made for continuing faculty and student participation in academic decision-making in the University community in this Commonwealth have come about as a result of his efforts and farsightedness.
(3) Principles of efficient management should be made with regard to human considerations.
(4) The undue interference in the affairs of public education by private education should be addressed; and
(5) Collective bargaining contracts negotiated in good faith should be preserved.

When the new proposed legislation was finally introduced by Senator Harrington, Senate 1371, it became clear that a major confrontation was taking shape - the faculty proposals had been watered down to such a point they were almost beyond recognition. Howard Knowles, Political Editor of The Bay Stater wrote at the time, "there is a certain irony in this, since Harrington brought the faculty committee into the picture originally to give the re-organization idea the aspect of a broad based movement within the educational establishment. To the extent that this was a public relations gimmick, it may have back-fired.

At any rate, Harrington is now stuck with a proposal that he can't entirely swallow, and how he gets around that problem will be one of the more interesting political skirmishes in the re-organization battle".

On April 7, 1976, Dr. William H. Hebert, Executive Secretary-Treasurer of the Massachusetts Teachers Association testified at Senate hearings of S1371. Contained in this testimony are statements which need to be closely examined, for this testimony was the first public position taken by the bargaining agent for the overwhelming majority of faculty in Massachusetts Public Higher Education.

Dr. Hebert started his testimony by stating, The Massachusetts Teacher Association welcomes the opportunity to offer our views concerning S1371.

We support the concept and main goals of Senate President Kevin B. Harrington. The Senate President is to be complimented for his long interest in higher education. We have been privileged to have work with him on his many proposals going back to the Willis-Harrington Commission. There is no question in that many of the advances made in all levels of education points from a similiar survey conducted in 1969.

After making several specific points on the proposed reorganization, Dr. Hebert concluded his testimony by saying, "we ask this committee to examine carefully any and all effects this legislation will have on the higher education employees and their recently gained rights under chapter 150E of the General Laws of the Commonwealth. This is a complex matter. We will further examine the proposals and look forward to the opportunity of discussing the measure with this in greater detail. We hope that much more time is made available for examination."

In June of 1976, the Senate President withdrew his proposed reorganization.

The Massachusetts experience does not appear to be unique: One need only to review the pages of Chronicle of Higher Education to see how faculty nation-wide are utilizing their collective strength. In addition, a 1975 survey of some 25,000 undergraduates, 25,000 graduate students, and 25,000 faculty on 400 campuses reported by the Carnegie Council on Policy Studies in Higher Education showed that only 28% of the faculty responded favorably to the statement that faculty unionism "has no place in a college or university", down 10 percentage points from a similiar survey conducted in 1969.

In closing I would be remiss if I did not recognize that there are opponents of collective bargaining who are quick to point out that bargaining does not always resolve all of the issues to the satisfaction of all of the faculty. They are quick to point out internal faculty disenchantment and disillusionment with the occasional failure of the bargaining process. To this I can only say that you can't please all of the people all of the time.

COLLECTIVE BARGAINING: IMPACT ON MANAGEMENT, GOVERNANCE, AND INFORMATION SYSTEMS OF UNIVERSITIES

by George S. Tracz

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COLLECTIVE BARGAINING: IMPACT ON MANAGEMENT, GOVERNANCE, AND INFORMATION SYSTEMS OF UNIVERSITIES

Introduction

Many facets of the process of collective bargaining have been analyzed in the literature. In this paper, the author is mainly concerned with the impact of collective bargaining on information systems, management behavior, and governance structures of universities in the institutional and provincial setting of the Ontario higher education system.

The analysis was derived through attendance at relevant conferences, an exhaustive literature survey, monitoring of developments in the higher education community, and useful feedback from various participants in collective bargaining.

The paper opens by focusing directly on data and information needs generated by the process of collective bargaining.

Data Needs Generated by Collective Bargaining

Although the ostensible objective of collective bargaining is to achieve an agreement, the undergoing struggle is really one for power. But if two adversary parties are to agree, an obvious necessity is the establishment of a factual common data base. Furthermore, information itself is power, and in order to create information, one requires data. Intertwined with the above conditions is the legality of the bargaining process that commits both parties to generate and to share data on whatever items are deemed to be negotiable or issues to be bargainable.

Collective bargaining automatically presents considerable opportunities for the fulfillment of the expectations generated by the introduction of administrative information systems in higher education. Data previously gathered on faculty and institutional characteristics, yet seldom used in any meaningful way, now play a prominent role during the negotiating process and during the contract administration. Thus a data base is developing and will continue to develop--that's the reality brought about by the adoption of collective bargaining by university management and faculty.

The following list illustrates the kinds of data items that have been identified as necessary and that are collected at many universities.

LIST 1 -- FACULTY DATA*

- name of persons in bargaining unit by department, division or school and/or college
- age or birth date
- number and ages of family members
- rank, length of service
- degrees held
- course and section assignment, current and past years
- number of course credits taught
- number of contact hours
- number of student credit hours produced, current and past
- committee assignments
- salaries, current and past

* Based on Ontario system.

- summer session stipends
- study leave eligibility
- tenure status
- research projects
- number of students supervised by faculty by research project
- amount of funding per project

INSTITUTIONAL DATA

- University financial report and audits
- the University summary budget, budget estimates and allocations relating to academic staff provided to the Budget Committee
- budgets by department, division, school and/or college
- current costs of fringe benefits, by items and unit totals for each
- mean and median salary data for bargaining unit
- work-loads, by groups with like assignments
- list of unusual, or out-of ordinary, work assignments
- salary profiles, by age, rank and/or department or division
- class sizes, student credit/contact hours
- institution policies and procedures
- actuarial reviews of the University pension plan
- all other such documents provided or received from the Ministry of Colleges and Universities, Ontario Council of University Affairs, Statistics Canada, or the Board and Senate
- funding agencies--external projects; Principal Investigators
- physical resources used
- cost standard in Canada on uses--make-or-buy policy; federal level
- research resource capacity

COMPARATIVE DATA FROM SIMILAR INSTITUTIONS

- University-wide salary analyses
- work-load
- fringe benefits
- organizational structures

In view of the overwhelming number of items of data being generated, policies are established with respect to the confidentiality and to the release of information about individuals belonging to the university community. In a few instances, contractual arrangements limit the number of locations of data files--for example, personnel files, at some universities, are kept only by Chairmen, Deans, Directors of Schools and Institutes, and the President of the University. When it comes to the possible release of information to bodies outside of the University--for example, Government agencies--most contracts stipulate that "...the parties agree to inform the other party when statistical information concerning employees is released or required by law or in response to a request from a government body or

agency..." Also the University typically agrees to provide the Association with a copy of any reports which may be legally released.

The typical Office of Institutional Research or any unit performing the same functions will be the target of many requests for all kinds of data and information from either or both of the bargaining parties concerned. Directors of such offices are virtually unanimous in their position that all data items provided to either party must likewise be made available to the other as a matter of course. Such a policy reinforces the need that both parties negotiate at least from a factual common data base. Interpretation placed on the information provided becomes solely a matter of bargaining strategy. Furthermore the disclosure of data of this nature leads to the education of everybody concerned. Academics learn something about the complexities of a balance sheet for the University; administrators find out quickly about implications of uncertain financial situations.

Provisions are also made for the regulation of contents by establishing criteria for a professor's "dossier." Such a dossier, kept for purposes of evaluation and review process, will now be open to the professor in question. Most negotiators have found that data availability was satisfactory enough for agreement to be reached if the parties so wished (most of the issues related to salary settlements were quickly resolved).

A major trend resulting from the process of collective bargaining is the standardization of items of data identified as being necessary in the negotiation. Individual university faculty associations are collecting and sharing a large set of data on the contents of various settlements; they are assisted in this matter by their provincial and federal parent organization. Although collective bargaining throws the parties involved into an adversary relationship, university administrators find it somewhat advantageous (contrary to expectations) to supply faculty groups also with comparative data on various matters--example, group benefit plans--because they feel that information supplied thus on a consistent basis will do more good than harm in the long run (although, a simple comparative listing of pensions, benefits, and group plan pensions can be misleading without taking into account factors such as age and mix of faculty and staff, size of group being covered, and claims experience).

Each faculty association bargaining unit then comes equipped with the single best combination of all possible individual settlements reached or attempted elsewhere, and exerts great pressure on the administration.

The outcome of this "domino effect" of data sharing on a wide-open basis is reflected in a substantial increase in the cost of settlements on non-salary items. Conversely, administrators seem to find little consolation in analyzing comparative data on faculty--say, work-loads-- because apart from the utilization of work-load statistics on a macro-basis at the institutional level, academic work-load analysis still stands as too complex an activity to be monitored in detail at the micro--or individual faculty level.

What are some of the positive aspects of the standardized tendencies resulting from common data needs in collective bargaining? Certainly great opportunities exist for data processing and information systems to be established for the following non-salary items at each university:

- group life insurance plan
- dependent life insurance plan
- accidental death and dismemberment plan
- paid-up life insurance plan
- long-term disability insurance plan
- supplementary health
- university pension
- Canada pension
- unemployment insurance
- medical services provincial health plan
- major medical isurance plan
- Pharmacare
- dental care

And now a few philosophical notes about some of the drawbacks arising from the establishment of "better" data systems that collective bargaining seems to foster. The dynamic tension that will arise is the conflict between the obscurity provided by "bad" data versus the transparency provided by "good" data. Martin Trow eloquently pleads that the creativity of great universities has been a function of bad data collection. Obscurity, he writes, allows for diverse practices to develop in different fields and areas--for example, in faculty-student ratios (1). A good data system, on the other hand, generates a steady flow of detailed information, shining a bright beam of light into every nook and cranny of an institution, revealing anomalies (salaries?), inequities (teaching loads?), and unjustifiable practices (non-approved utilization of space?).

Finally, another common dilemma also arises--the fact that any data developed by a university for its own use during the collective bargaining process cannot easily or for long be withheld from external agencies of government. And so the "costs" to a university of new and improved internal data systems may be rather higher than originally anticipated.

Impact of Collective Bargaining on Managerial Behaviour

Traditional self-governance systems in colleges and universities created comfortable managerial environments for many administrators.

The measure of an administrator's effectiveness often depended on whether he behaved much like a faculty member or not. Diclosure of information on salaries, work-load data, faculty-student ratios was regarded as a violation or privacy. The potential usefulness of new management techniques and administrative information systems that began to be introduced in the late 1960's

was drastically curtailed. Collective bargaining is now pressuring university administrators to become more efficient, more alert to innovations, and more responsible to the public interest. Collective bargaining will be an expensive adult education course for inexperienced administrators willing to spend money to get out of trouble, but not willing to spend it to stay out of trouble in the first place.

Legal contracts that may be improperly thought out--along with resulting consequences not fully understood or incorrectly costed out--will not be tolerated by those responsible for fiscal solvency. It is generally accepted that the dynamics of collective bargaining have led to a shift in operational techniques from the university board of governors to a bargaining team that will be part of the administration.

The position and leadership role of the board are more critical in the next three years than they have been in the past decade. Indeed, the board of trustees or regents or governors must recognize early that it cannot afford the luxury of laissez-faire management.

The impact of collective bargaining on managerial behaviour, then, will be to strengthen the role of management in higher education, and to force administrators to reassert managerial control that slipped from them in the fat 1960s.

In addition, administrators will have no choice but to take a growing interest in "educational productivity," and, in the long run, that interest will lead to a painful but necessary analysis of the institutional objective themselves.

University faculty, on the other hand, should benefit from an effectively operating collective bargaining system that will increase administrative competence, that will henceforth reduce their overall involvement in managerial functions (which are economically unrewarding and energy-sapping) and that will increase their time availibility for teaching and research. It should be noted that initially during the period of negotiating the first collective bargaining agreement, there often develops a mood of administrative paralysis--for example, deadlines have to met--or else!--This type of bureaucratic environment is intensely disliked in the academic world. Also deans are being drawn into the central management "club," while chairmen become part of the bargaining unit. the result is a managerial no-man's land that places deans and chairmen on opposite sides. Deans tend to feel very uncomfortable in this new role and often undergo a culture shock crisis. They are now being forced to work much more uniformly and consistently, lest the faculty begin to use one dean against another. Although deans are academic "types," they are being pressured to realize that their loyalties must lie with the central government of the University, and not neccessarily with their disciplines. This new type of pressure throws university officers into a temporary state of paralysis. Managerial shortcomings of administrators become subject to scrutiny under an intense critical light. No doubt, collective bargaining will make laissez-faire managers most uncomfortable.

In summary, the legal nature of collective bargaining along with its financial consequences will result in an improvement of

managerial structures and administrative competences, an enhancement of institutional accountability, and an increase in faculty productivity.

Impact on Organizational Framework and Governance Structures

Collective bargaining is altering university organizational structures that have virtually remained unchanged for the past decade. The change may be as profound as that proposed by York University, in which the Office of the Vice-President, Academic, has been renamed Employee and Student Relations, has incorporated a unit called Labour Relations, and has been reorganized to meet the operational requirements generated by the new collective agreements. McGill University has recently replaced its department of personnel services with an office for human resources. This office is divided into two units--the department of pensions, benefits, and research, and the department of labor relations and salary administration. Again these modifications become necessary because of the intricacies of public sector negotiations, and because of the additioanl work-load.

At the lowest scale of organizational change, many universities will appoint at least special advisers to the President in matters related to the negotiation of contracts with the faculty and to the administration of grievance procedures. The net result of the emergence of new information channels and the reorganization of administrative structures is a change in the locus of decision-making within the university. As more and more subjects are included and subsumed in formal collective bargaining, fewer and fewer remain to be considered in the existing university governance framework.

Universities with a traditionally weak senate will find that most of the "action" during a collective bargaining negotiation will take place along the management-union axis, of course, and that the status of the senate will be decreased still further. If effective leadership is not demonstrated in the senate, then the interrelationship of data systems, information flows, communicative patterns, and organizational redesign will alter the decision-making structure. Decisions affecting the quality and control of university education will be made in those places where the information relevant to those decisions comes together. In a strong collective bargaining mode of university governance, and a weak and indifferent senate, this place will often be at the table of the management-union debates.

Impact of Collective Bargaining at the Systems Level

One of the critical aspects of the possible consequences of collective bargaining will likely take place at the systems-wide or provincial level. If the situation in Ontario is examined, then the arena encompassing provincial higher education bodies consists of the collectivity of universities, of the Council of Ontario Universities, of the Ontario Confederation of Univer-

sity Faculty Associations, of the Ontario Council on University Affairs, and of the Ministry of Colleges and Universities as the major agencies. COU plays a neutral role; it serves the university community. OCUA adopts the position of a buffer function between MCU and the remaining agencies. MCU's policy is to provide a substantial degree of autonomy with respect to internal matters pertaining to individual universities. This means that on a provincial basis the only agency in Ontario that takes a definite position is OCUFA. Besides many other functions, OCUFA--through its Salary Committee--which is responsible for exchange of information on the status of negotiations regarding compensation, conducts province-based surveys on such matters as pensions, fringe benefits, and study leave policies. Indeed provincial faculty associations throughout Canada may be charged by their executives and membership with the objective of having a better cartel for information exchange than even the presidents of Universities themselves.

Two major developments may occur. As it has evolved, the provincial system of Ontario higher education agencies is substancially asymetrical. There is no provincial organization consisting of representatives of all the universities' Board of Governors or Trustees, or of universityies' senior management that can match the role played by OCUFA. There is no Ontario Council of University Governors, for example, although the primary/secondary system is represented by the Ontario School Trustees' Council, while the CAATS have their Ontario Council of Regents. Furthermore, there does not exist, as yet, a back-up agency of the kind that was set up to handle the primary/secondary sector--namely the Education Relations Commission (Ontario). One future development may be the establishing of a monitoring agency for provincial university education. Another may be--and that would be detrimental to the quality of university education--the emphasis on the use of real "pros" by university management during its negotiations with the faculty association. The argument for introducing bargaining professionals would be to remove the asymetrical nature of the provincial higher education system in Ontario. Just as collegiality and collective bargaining are not yet mutually compatible at the individual campus, the provincial system cannot yet accommodate asymetry brought about by the imbalance of a lack of a provincial governor/management structure and of a strong provincial faculty association framework.

Concluding Remarks

The process of collective bargaining generates large masses of data and information needs. However, because legal requirements must be met within the contract, as most issues must be dealt with within a specified time frame, data needs seem to be met successfully by institutional units.

Under the terms of most collective bargaining procedures, information must be shared, and this requirement facilitates better communication between faculty and administration. But, at the

same time, the lines between faculty and administrators become more circumscribed. Indeed, administrators must now plan well in advance of decisions to avoid union grievances based on lack of reasonable time provided to make adjustments required by administrative change, especially in such matters as retrenchment or reallocation of positions.

Collective bargaining permits more "actors" in the university environment to gain access to information and hence to "power," it thus leads to the displacement of the distribution of powers. In addition, collective bargaining necessitates highly systematic data-handling and thus increases the "transparency" of administrative acts. As a result, laisser-faire management will no longer be tolerated to the degree it has been before.

The role of the institutional research unit will be greatly enhanced for it may be required to:

- prepare for negotiations by gathering background data on the institution and its faculty
- provide detailed and specific information to administrators engaged in negotiations (for example, costing out a union retirement proposal), and
- record grievances, question, contract violations, and compile costs occurring during the administration of the contract.

Provincial associations such as OCUFA in the province of Ontario will generally act as information centers for academics in such matters as collective bargaining settlements and salary levels, and will attempt to raise the consciousness level of their members in such matters as pensions and benefits. It is too early to tell who will play a similar role for university governors and administrators at the provincial level. However, steps will have to be taken to remedy the present asymetrical nature of the distribution of higher education agencies in Ontario.

Collective bargaining "schools" may proliferate in order to provide experience and skills to the university community so that it may cope with the negotiation process and with the administration of a contract. The legal nature of the collective bargaining process can only enhance the further development and realization of administrative information systems in higher education. There will be greater interest and stronger pressures to develop and eventually computerize university faculty information systems, culminating in the formulation of a comprehensive information system for management planning for the faculties.

In conclusion, information systems will play a more active and prominent role in the processes of managing and planning university activities under collective bargaining.

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The Center for Educational Management Studies (CEMS) at the University of Hawaii was founded on the belief that colleges and universities will increasingly need individuals trained in the techniques of management and planning in higher education. The Center has been established to integrate management related fields with education in order to prepare students for future careers in the management of higher education.

The mission of the Center for Educational Management Studies (CEMS) is to facilitate the development and implementation of innovative and effective management styles at institutions of higher education. This mission is addressed by a variety of CEMS activities including a program to support graduate training, an institutional service program, and a research program.

Established originally at the University of Massachusetts in 1975 under a grant from the Exxon Education Foundation, CEMS was relocated to the University of Hawaii in January, 1978. CEMS is intended to provide a coordinative support program which compliments existing graduate programs in diverse management related disciplines such as accounting, psychology, operations research, sociology, economics, management, education, finance, etc. In conjunction with formal classes and seminars, students are provided an opportunity to engage in applied research on various issues related to contemporary college and university management. Financial support is available for thesis research activities related to higher education. Additionally, CEMS provides students with internship experience in planning, budgeting, analytic studies, systems analysis, and other areas related to institutional management.

The research program of CEMS provides support for the development and dissemination of research outcomes that address analytical problems of college and university management. Housed within the central administration of the University of Hawai' CEMS also provides a bridge between the academic and administrative functions of the institution. This permits utilizing the academic expertise of the institution in addressing higher education management problems. In addition, visiting scholars from other institutions provide further breadth and scope to CEMS research and evaluation capabilities.

Other CEMS activities include an internship program and occasional seminars and training workshops designed to provide faculty and administrators with an introduction to various forms of new analytic techniques and to aid them in utilizing management principles in their current and future positions.

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